

R430-70-3: LICENSE REQUIRED.

- (1) A person or persons must be licensed to provide child care if:
- (a) they provide care in the absence of the child's parent;

Rationale / Explanation

This means that parents do not need to be present while care is being provided.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities

- (1) A person or persons must be licensed to provide child care if:
- (b) they provide care for five or more children;

Rationale / Explanation

Providers who care for four or fewer children are not required by statute to be regulated, whether the care is provided in a home or child care facility.

- (1) A person or persons must be licensed to provide child care if:
- (c) they provide care in a place other than the provider's home or the child's home;

Rationale / Explanation

Care provided in the providers home is regulated as either licensed family or residential certificate care. Care provided in the child's home is not regulated by the Department of Health.

- (1) A person or persons must be licensed to provide child care if:
- (d) the program is open to children on an ongoing basis, on three or more days a week and for 30 or more days in a calendar year; and

Rationale / Explanation

This means that children attend the program on a regular basis, as opposed to occasional drop-in care.

- (1) A person or persons must be licensed to provide child care if:
- (e) they provide care for direct or indirect compensation.

Rationale / Explanation

Direct or indirect compensation means that there is a user charge or fee for the care provided, including trade work.

- (2) A person or persons may be licensed as an out of school time program under this rule if:
- (a) they either provide care for two or more hours per day on days when school is in session for the child in care, and four or more hours per day on days when school is not in session for the child in care; or they provide care for four or more hours per day on days when school is not in session; and
 - (b) all of the children who attend the program are at least five years of age.

Rationale / Explanation

Rule (2) qualifies a person or persons to be licensed as an out of school time program.